

SEP/19/2005/MON 04:32 PM WOODARD EMHARDT

008016-000640.DGG/dys.363952

FAX No. 317 637 7561

P. 002

Rec'd PTO 19 SEP 2005  
JFS

IN THE UNITED STATES PATENT OFFICE

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In re patent application of:  
David P. Genter et al. ) Before the Examiner  
Application No: 10/521,123 ) Unknown  
Filing Date: January 12, 2005 ) Group Art Unit  
CONNECTING ROD APPARATUS ) Unknown  
AND METHOD ) September 19, 2005

SEP 19 2005

RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C. 371

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated July 18, 2005, Applicants herewith submits the Declaration signed by the inventor for the above-referenced patent application. Also enclosed is a copy of formalities letter OC000000016546496. The Commissioner is authorized to charge the fee of \$130.00 for the late submission thereof to the credit card as listed on the enclosed Credit Card Payment Form. No other fees are believed to be due; however, please charge any additional fees deemed required to Deposit Account No. 23-3030, but not to include any payment of issue fees.

09/22/2005 MKAYPAGH 00000148 10521123

Respectfully submitted

01 FC:1617

130.00 OP

By:

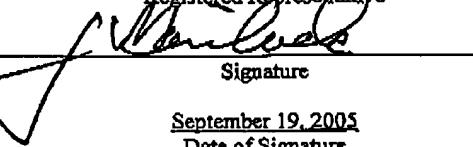
John V. Daniluck

John V. Daniluck, Reg. No. 40,581  
Woodard, Emhardt, Moriarty, McNett & Henry LLP  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456 (telephone)  
(317) 637-7561 (facsimile)

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being directed to the  
Commissioner of Patents via facsimile to the Examiner of record  
571-273-8300 on September 19, 2005.  
*via Facsimile*

JOHN V. DANILUCK  
Registered Representative

Signature

September 19, 2005  
Date of Signature

Response to Notification of Missing Requirements Under 35 U.S.C. 371

Serial No. 10/521,123

Attorney Docket: 8016-640

Page 1 of 1

SEP/19/2005/MON 04:32 PM WOODARD EMHARDT

FAX No. 317 637 7561

P. 001

**WOODARD, EMHARDT, MORIARTY,  
MCNETT & HENRY LLP  
PATENT & TRADEMARK ATTORNEYS**

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SEP 19 2005**FACSIMILE TRANSMITTAL SHEET**

TO:	FROM:
U.S. Patent and Trademark Office	John V. Daniluck
FAX NUMBER:	DATE:
571.273.8300	September 19, 2005
YOUR REFERENCE NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
Serial No.: 10/521,123	7
Inventor: David P. Genter	SENDER'S REFERENCE NUMBER:
Filing Date: January 12, 2005	8016-640
Examiner/Group Art: Unassigned	RE:
CONNECTING ROD APPARATUS AND METHOD	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

**NOTES/COMMENTS:****Attached please find:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form                   | <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application    | <input type="checkbox"/> After Allowance communication to Group   |
| <input type="checkbox"/> Credit Card Form PTO-2038              | <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment/Reply                        | <input checked="" type="checkbox"/> Declaration/Power of Attorney                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                                    |
| <input type="checkbox"/> After Final                            | <input type="checkbox"/> Drawings   | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Incl Affidavits/declaration(s)         | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request              | <input type="checkbox"/> Petition   | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>PTO-2038 Credit Card Payment Form \$130.00 |
| <input type="checkbox"/> Express Abandonment Request            | <input type="checkbox"/> Petition to Convert to a Provisional Application               |   |
| <input type="checkbox"/> Information Disclosure Statement       | <input type="checkbox"/> CD, Number of CD(s)  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address |   |
| <input type="checkbox"/> Terminal Disclaimer                    | <input type="checkbox"/> Request for Refund   |   |

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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY, LLP  
BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, IN 46204-5137  
PHONE: (317) 634-3456  
FAX: (317) 637-7561

SEP/19/2005/MON 04:34 PM WOODARD EMHARDT

FAX No. 317 637 7561

P. 006

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Address: COMMISSIONER FOR PATENTS  
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[www.uspto.gov](http://uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,123	David P GENTER	8016-640

30565  
WOODARD, EMHARDT, MCKEARY, MCNETT & HENRY LLP  
BANK ONE CENTER/TOWER  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, IN 46204-5137

INTERNATIONAL APPLICATION NO.	
PCT/US03/23542	
I.A. FILING DATE	PRIORITY DATE
07/28/2003	07/26/2002

CONFIRMATION NO. 6762  
371 FORMALITIES LETTER



\*OC000000016546496\*

Date Mailed: 07/18/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Copy of Article 19 Amendments filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Oath or Declaration filed on 01/12/2005
- Request for Immediate Examination filed on 01/12/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

SEP/19/2005/MON 04:34 PM WOODS EMHARDT

FAX No. 317 637 7561

P. 007

Page 2 of 2

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,123	PCT/US03/23542	8016-640

FORM PCT/DO/EO/905 (371 Formalities Notice)